PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , AUGUST 14 , 1990

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING August 14, ,19 90 , IN Regular SESSION. PRESIDENT Charles B. Redd IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P , BURNS P , EDMONDS P ,
GiaQUINTA P , HENRY , LONG ,
REDD P , SCHMIDT P , TALARICO P ,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR July 24 ,19 90 ,
,19 ,
SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 14th day of August, 1990, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this_____day of_____, 19_____.

Sandra E. Kennedy

City Clerk

The City of Fort Wayne

1 August 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-89-08-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
1st day of August 1990.

Robert Hutner
Secretary

FACT SHEET

Z-89-08-07
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-3 to B-3-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

620 Hendricks Street

Reason for Project

Future expansion of "Poorman's Heating and Air Conditioning Service".

Discussion (Including relationship to other Council actions)

21 August 1989 - Public Hearing

Petitioner requested and received a deferral of this hearing until the December 18, 1989 public hearing.

Minutes of both meetings are attached.

8 January 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following condition.

1) Petitioner provide a six (6) foot high landscape buffer between the B-3-B and R-3 districts to be built at the time of site development for non R-3 uses.

Of the nine (9) members present, eight (8) voted for the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Max & Mabel Poorman City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

NOTE: This petition has been held pending the petitioner satisfying the landscape requirement placed upon the petition by the Commission.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date July 7, 1989

Projected Completion or Occupancy Date 2 August 1990

Fact Sheet Prepared by Date 2 August 1990

Patricia Biancaniello

Reviewed by Date 8/2/90

Michael P. Hoppe

Reference or Case Number

a. Bill No. Z-89-08-07 - Change of Zone #400
From R-3 to B-3-B
620 Hendricks Street

A.W. Fruechtenicht, attorney for the petitioners appeared before the Commission. Mr. Fruechtenicht stated that they were requesting a deferral of consideration of the petition until the December public hearing on December 18, 1989. He stated that they were making the request because of the information they had received that there are two studies involving uses of the land they are requesting to be rezoned. He stated it was their understanding that the City of Fort Wayne was making a study thereof and that another study was being prepared on behalf of the City, the Chamber of Commerce and Lincoln National Corp. The information was that such studies will be completed in November and that such studies will be pertinent to the proposed uses of this area.

Motion was made by Yvonne Stam, seconded by Steve Smith to defer the case to the December 18, 1989 Plan Commission hearing.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

December 18, 1989 - Public Hearing

Bill No. Z-89-08-07 - Change of Zone #400
From R-3 to B-3-B
620 Hendricks St
This request was deferred from the August 21, 1989 Public Hearing at the request of the petitioner.

A W Fruechtenicht, attorney for the petitioners Max and Mabel Poorman appeared before the Commission. Mr. Fruechtenicht stated that the Poormans own and operate Poorman's Heating and Air-conditioning Services at the corner of Hendricks and Martin Street at the present. He stated that this petition is requesting the zoning of 38 feet of a vacant lot to the east of the existing business. He stated that this request was originally scheduled for the August public hearing but was deferred because the Commission staff indicated that there was a study being done concerning the overall southwest and this area was part of the study. He stated that it was anticipated that the study would be complete by the end of November. He stated that the Mr. & Mrs. Poorman's business needs to expand. He stated that the Poorman's business requires a B3B zoning classification. They currently have that zoning on the property where they are located but in order to expand they need to rezone the portion requested in the petition. Mr. Fruechtenicht stated that Mr. Poorman's business is kept in excellent condition and that his business is an asset to the area. He stated that the rezoning would enable Mr. Poorman to expand as needed and would continue to enhance the area. Mr. Fruechtenicht stated that although the study for which they deferred is not yet completed the Commission staff has requested and received a letter from Ronald R. Fletcher, Executive Director of Fort Wayne Redevelopment Commission stating that their office was in the process of developing a SW Downtown Development Plan which should be completed by January 15, 1989. Mr. Fletcher further stated that in his opinion the petitioners development would not adversely affect the development planning for the area. Mr. Fruechtenicht stated that they were not aware of any objections to the request or Mr. Poorman's plan for expansion.

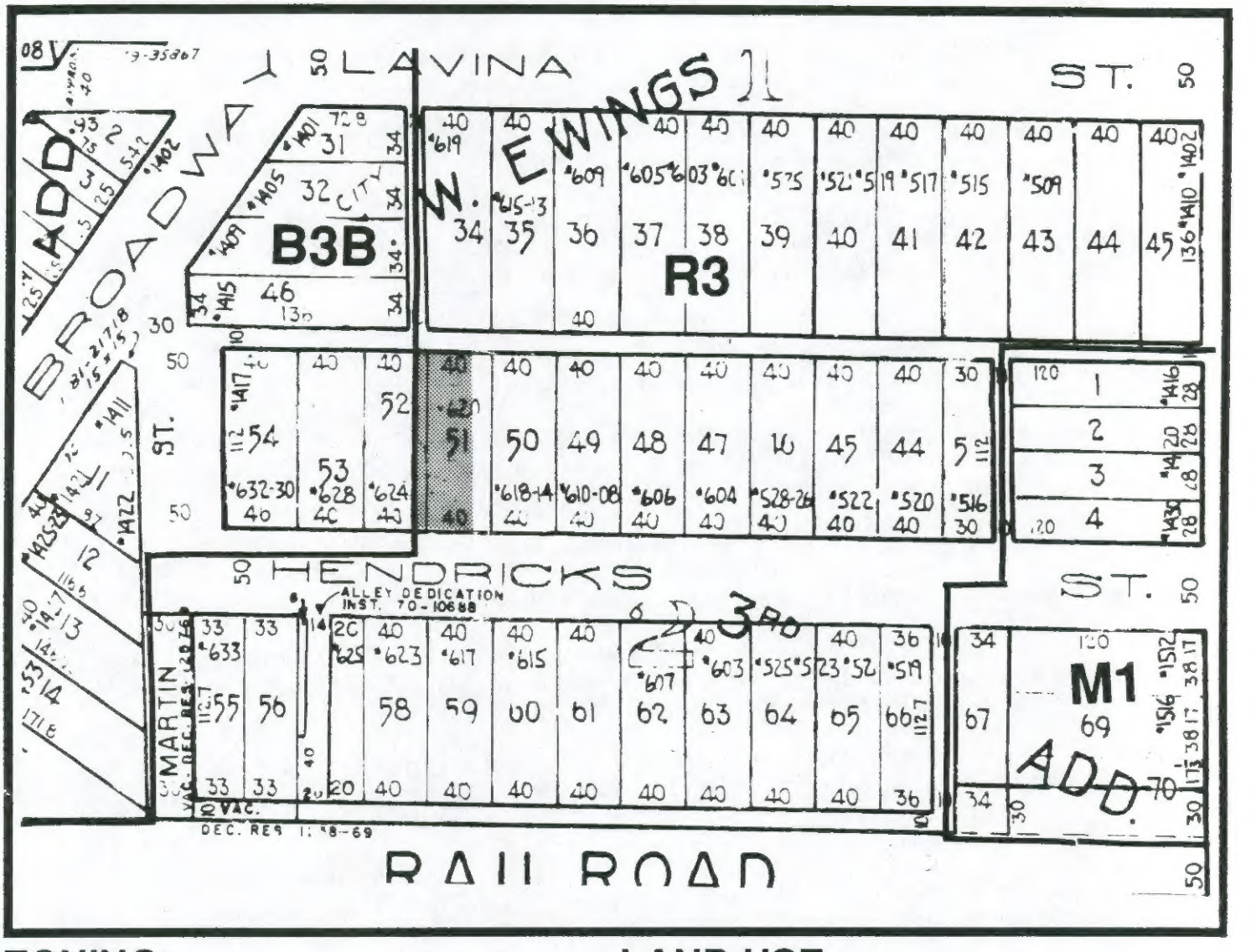
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #400

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R3** DISTRICT TO A **B3B** DISTRICT.

MAP NO. **L-2**

COUNCILMANIC DISTRICT NO. **1**



ZONING:

R3 RESIDENTIAL DISTRICT

M1 LIGHT INDUSTRY

M3 HEAVY INDUSTRY

B3B GENERAL BUSINESS "B"

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

☐ *DUPLEX*

SCALE: 1"=100'

DATE: 7-25-89

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 8, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-89-08-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 18, 1989.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held January 8, 1990.

Certified and signed this
1st day of August 1990.

Robert Hutner
Secretary

A. W. Fruechtenicht, attorney for Max L. and Mabel I. Poorman, requests a change of zone from R-3 to B-3-B.

Location: 620 Hendricks Street

Legal: West 30 ft. of Lot 51 and the east 8 ft. of Lot 52 in Bond's Third Addition.

Land Area: Approximately 0.10 acres

Zoning: R-3

Surroundings:

North	R-3	Residential
South	R-3	Residential
East	R-3	Residential
West	B-3-B	Commercial

Reason for Request: Not stated on petition

Neighborhood Assoc.: West Central

Neighborhood Plan: This location is in the area covered by the West Central Neighborhood Plan. There are several policies in that plan which govern recommendations regarding the proposed zoning change.

First, "Conflicting land uses need separation as much as possible. The integrity and nature of existing residential areas should be preserved. Commercial and industrial land uses should be prevented from expanding outside areas already developed as such (unless outlined in the plan as appropriate).

Second, "...protection of residential concentrations from external encroachment and internal influence" is emphasized.

Third, "...possible expansion of industrial and commercial uses provided there is a sensitivity towards residential impacts," is allowed.

This area in particular is singled out in the plan for careful monitoring and evaluation of proposed land use changes. It is currently facing pressures for such change other than this request. Two studies, a preliminary one by city staff and one in more depth sponsored by the city, the Chamber of Commerce, and Lincoln National Corp., are evaluating appropriate and possible reuses for this

area. They are due to be completed by the end of November, 1989, and can be expected to help resolve these issues.

The West Central Plan, however, recommends maintaining residential uses until pressures for change can be evaluated. Therefore, based on the policies of the plan stated above, and since studies of the area are still in progress, staff recommends the request for rezoning be denied or postponed until these studies are completed.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The three main goals in the Central Area, where this request is located, are: 1) to maintain existing development; 2) to halt deterioration, and 3) to encourage re-investment. Mixed residential, commercial and industrial are present along the two block area of Hendricks and commercial expansion would be consistent with the Comprehensive Plan.

Landscape: If approved, require a minimum 6 foot high landscape buffer between the B-3-B and R-3 districts to be built at the time of site development for non R-3 uses.

Planning Staff Discussion:

Poormans Heating and Air Conditioning Services, Inc. is currently located on the lots to the west, fronting on Martin Street. We understand from conversations with their attorney that they need to expand their current site due to a growth of business over recent years. Per discussion with their attorney, we understand that their primary use of the current site is for sales and service, and they would be expanding that use onto the new parcel, if the rezoning is approved.

The parcel in question is currently undeveloped, but abuts residential development in three directions. We share the concerns expressed in the West Central Plan, and the need to evaluate the soon to be completed study of the area. We discussed these concerns with the petitioners attorney, and there was a mutual agreement to request a deferral until December in order to allow the study to be completed.

Unfortunately the study has not been completed at this time, but

we had asked Mr. Ronald Fletcher, from Redevelopment to evaluate the soon to be completed study and advise us on the possible impact of this petition. Mr. Fletcher's letter is attached.

The petition would be in compliance with the Comprehensive Plan, which supports a mix of uses in this area. The potential impact of approval will have little or no negative impact on the proposed residential redevelopment of the area to the east.

Recommendation: Conditional Approval, contingent upon the petitioner providing a minimum 6 foot high landscape buffer between the B-3-B and R-3 districts to be built at the time of site development for non R-3 uses.

1) Approval would be consistent with the Comprehensive Plan.

2) Approval would allow new investment in the area, and should assist in preventing deterioration.

The City of Fort Wayne

December 6, 1989

Plan Commission City of Fort Wayne
One Main Street - Room 800
Fort Wayne, IN 46802

RE: Petition by Max L. and Mabel I. Poorman to reclassify property from R3 to B3B District, located at 620 Hendricks Street

Dear Commissioners:

The Fort Wayne Redevelopment Commission is in the process of developing a SW Downtown Development Plan that includes the above parcel within the planning area. The plan should be completed by January 15, 1989.

In order to assist you to address the above petition in a timely manner I have personally looked at the parcel, and in my opinion the petitioners development would not adversely affect our development planning for the area.

I hope this information will be of assistance to you.

Sincerely,

Ronald R. Fletcher
Executive Director
Fort Wayne Redevelopment Commission

Encl.

krj

The City of Fort Wayne

25 July 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-07-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of July 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-07-11
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment RA to B-1-B

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

2349 Getz Road

Reason for Project

Custom tailoring and alterations shop.

Discussion (Including relationship to other Council actions)

16 July 1990 - Public Hearing

Nancy Smith, 2349 Getz Road, petitioner appeared before the Commission. Ms. Smith stated that she was requesting the rezoning in order to convert her garage into a business for alterations and custom tailoring. She stated that she intends to continue using the home as her residence. She stated that there would be very little change in the appearance of the buildings. She stated to the rear of her property is the Little League Park and Aboite Day Care Center and to the south is a church. She stated that across the street is retail and to the north of her is residential. She stated that there would not be any noticeable change in traffic due to her business. She stated that she presently has two employees. She stated that she is single and this is her only income. She stated that she purchased the house through the advice of the realtors who stated they felt there would be no problem getting it rezoned. She stated her hours of operation would be 8 to 5:30 and a half of day on Saturday.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Nancy Smith City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -approval would not be consistent with the existing character of the area
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

There was no one else present who wished to spead in favor of or in opposition to the proposed rezoning.

23 July 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 29 May 1990

Projected Completion or Occupancy Date 25 July 1990

Fact Sheet Prepared by Date 25 July 1990
Patricia Biancaniello

Reviewed by Date 7-26-90
Larry Maglozzi

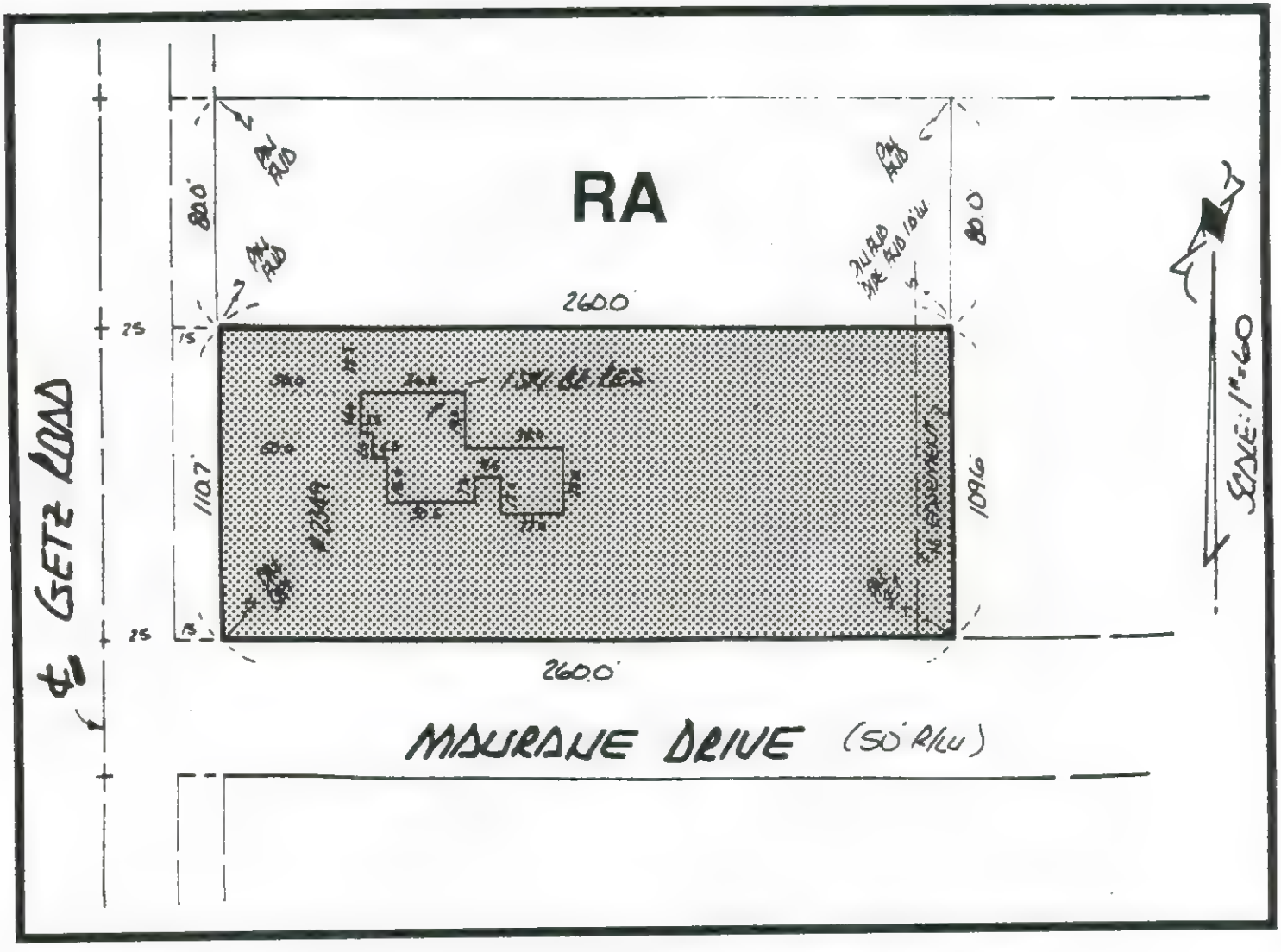
Reference or Case Number

REZONING PETITION #440

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **RA** DISTRICT TO A **B1B** DISTRICT.

MAP NO. **E-3**

COUNCILMANIC DISTRICT NO. **4**



ZONING:

RA RESIDENCE "A"

LAND USE:

☐ *SINGLE FAMILY*

LW

SCALE: 1"=60'

DATE: 6-21-90

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 10, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-07-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 16, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 23, 1990.

Certified and signed this
25th day of July 1990.

Robert Hutner
Secretary

Nancy B. Smith, requests a change of zone from RA to B-1-B.

Location:	2349 Getz Road		
Legal:	See file		
Land Area:	Approximately 0.77 acres		
Zoning:	RA		
Surroundings:	North	RA	Residential
	South	RA	Residential (Church)
	East	RA	Little League diamonds
	West	B1B/R-1	Commercial / Residential

Reason for Request: Not stated on petition.

Neighborhood Assoc.: None

Neighborhood Plan:	No comment.
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal of West Sector of the Outer Ring, where this proposal is located, is to contain growth with the urban service area.
Landscape:	No comment.

Planning Staff Discussion:

In reviewing any rezoning petition, staff evaluates that petition against a set of established guidelines. That evaluation takes into consideration the Comprehensive Plan, the condition and character of uses in the immediate area, a consideration of property values, the highest or best use, and the principles of responsible development and growth.

The requested B-1-B designation permits approximately 90 uses. The area to the north is single family residential, with a church located to the south, and the Times Corner Little League located to the east. The west side of Getz Road is zoned B-1-B (from approximately Maurane Drive to the south) and has a recent commercial development that is not yet fully occupied, with residential uses to the north. That portion of the B-1-B that is closest to the petitioned parcel is a parking area. The nearest commercial zoning on this side of Getz Road is approximately one

block south, on the other side of Wilkie Drive. While this area is anticipated to change its character due to development along both Illinois Road and Jefferson Blvd., residential uses still predominate.

In 1985-86, when the Commission looked at the Illinois Road and West Jefferson Blvd. corridors, there was also concern with the potential impact on the residences located along Getz Road. It was felt that commercialization of the Getz Road corridor should not occur until such time that the roadway was widened and improved. We still feel that residential uses on Getz Road are valid, and that commercialization of the Getz Road corridor should not be supported at this time.

Recommendation: Do Not Pass

1) Approval would not be consistent with the existing character of the immediate area.

2) Approval of this petition at this time would create a commercial 'spot' abutting residential zonings, and could have a negative impact on associated property values.

3) Approval would further encourage additional petitions along this street which could have a serious negative impact on the existing uses, and potential future projects.

The City of Fort Wayne

25 July 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated utility and surface drainage easement.

The proposed ordinance is designated as:

BILL NO. G-90-06-42

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of July 1990.

Robert Hutner
Secretary

FACT SHEET

G-90-06-42
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Utility & Surface Drainage Easement

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

Utility & Surface Drainage Easement in Cook Road Office & Industrial Park

Reason for Project

Relocation of existing easement.

Discussion (Including relationship to other Council actions)

18 June 1990- Public Hearing

Jon Bomberger, attorney representing the petitioner, John Schenkel appeared before the Commission. Mr. Bomberger stated that the petitioners own the real estate on either side of the easement. He stated that there are no utilities currently located in the easement. He stated that his client has purchased the 50 feet north of the existing Lot #5 and proposes simply to relocate the existing easement 50 feet north of its present location, which is the north 10 feet of Lot #5.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) John A Schenkel City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

25 June 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date May 9, 1990

Projected Completion or Occupancy Date July 25, 1990

Fact Sheet Prepared by Date July 25, 1990

Patricia Biancaniello

Reviewed by Date 7-26-90

Harry Maglizzi

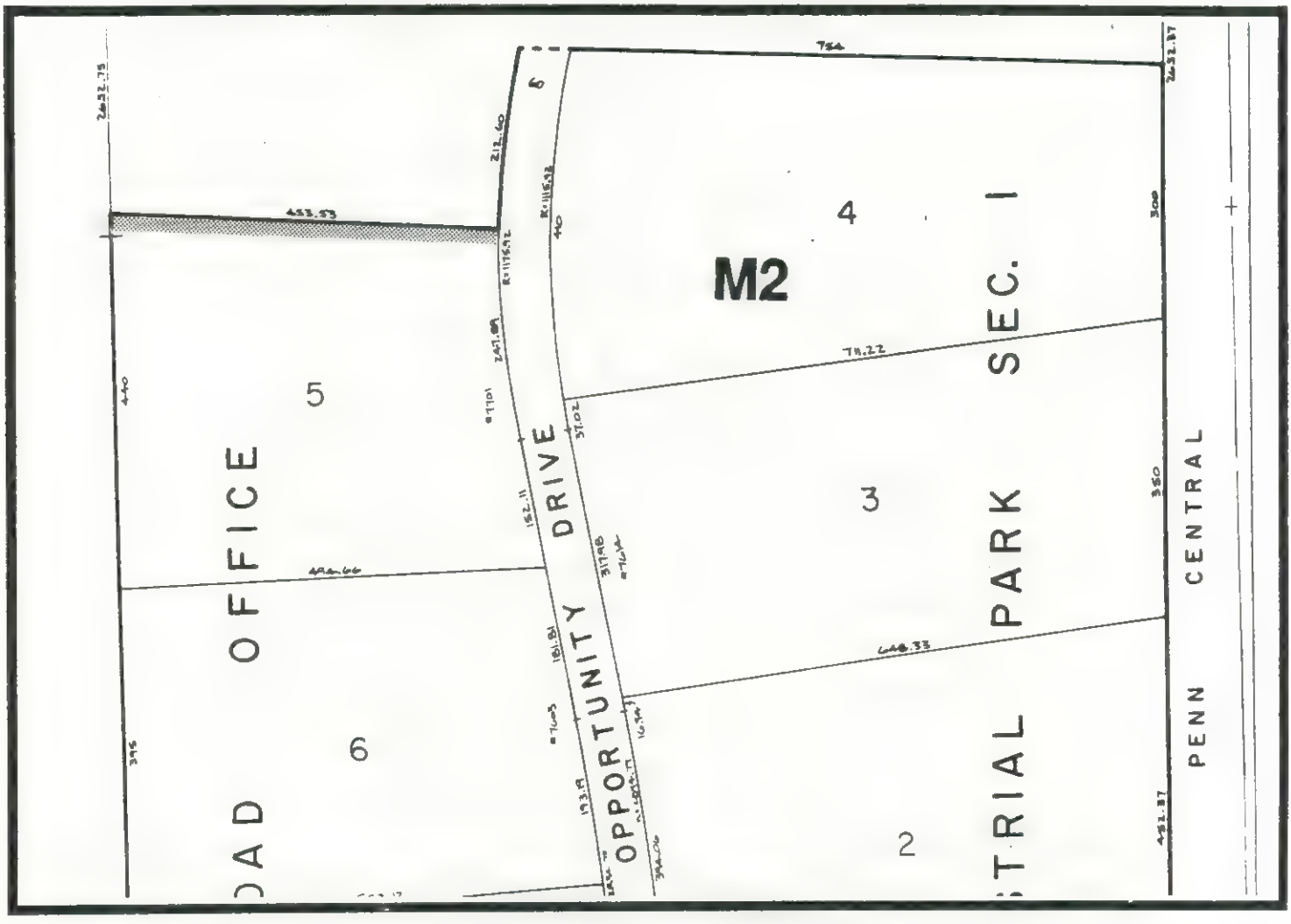
Reference or Case Number

VACATION PETITION # 434

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC UTILITY EASEME

MAP NO. **L-46**

COUNCILMANIC DISTRICT NO. **3**



ZONING:

M2 GENERAL INDUSTRIAL

LAND USE:

☐ *COMMERCIAL*

SCALE: 1"=200'

DATE: 5-31-90

//

Jon A. Bomberger, attorney for John A. Schenkel, requests the vacation of a utility and surface drainage easement.

Location:	North 10 feet of lot# 5 in Cook Road Office and Industrial Park (7701 Opportunity Drive).		
Legal:	See file		
Land Area:	Approximately 0.1 acres		
Zoning:	This easement is located in an industrial park that is zoned M-2.		
Surroundings:	North	M-2	Subject to new plat
	South	M-2	Industrial
	East	M-2	Industrial
	West	County	Open

Reason for Request: Easement has been relocated to the north.

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The petitioner states that they own the real estate on either side of the easement, and that no utilities are currently located in the easement. Further, they have relocated the easement approximately 50 feet to the north.

This easement is located along the northern boundary of the Cook Road Office and Industrial Park Section 1. The land directly north of this site is contained in a proposed plat for Section II. The easement is not subject to access concerns, and with the pending platting of the new section, we do not believe that there should be any major problems with utility or drainage needs.

Recommendation: Conditional Approval, contingent upon the petitioner providing new utility easements or relocations as needed.

1) Approval will not have a negative impact on adjacent property values.

2) The easement is not needed for access concerns, nor future growth of the area.

RESOLUTION 78-261-24

WHEREAS, JOHN A. SCHENKEL has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following utilty & surface drainage easement situated in Fort Wayne, Allen County, to-wit:

> The north ten (10) feet of Lot 5 in Cook Road Office and Industrial Park according to the plat thereof, recorded in Plat Record 48, pages 126-131 in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility and surface drainage easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility and surface drainage easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility and surface drainage easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, _____, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 18, 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 18 DAY OF July 1990

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Michael McAlexander
Director of Public Safety

Douglas M. Lehman
Director of Administration & Finance

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

91/90/E, 92/90/E, 93/90/E, 94/90/E, 95/90/E and 96/90/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Chairman, Board of Safety

RETURN CERTIFICATE

Regulatory Resolution No. 91/90/E, 92/90/E, 93/90/E,

94/90/E, 95/90/E and 96/90/E

I hereby Certify that I did this 26th day of July, 1990 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. **SEE ABOVE** of the Board of Public Safety of the City of Fort Wayne,duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 91/90/D

(Adopted July 25, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

PREFERENTIAL INTERSECTION (DELEGATED)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 11, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective July 25, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION	(DELEGATED)	
Lafayette Esplanade	--preferential--	at Champlain Drive

REGULATORY RESOLUTION NO. 92/90/D

(Adopted July 25, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

NO PARKING (DELEGATED)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 23, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective July 25, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (DELEGATED)

College Street	--west side--	from Swinney Avenue to 100' south thereof

REGULATORY RESOLUTION NO. 93/90/E

(Adopted July 25, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

STOP INTERSECTION (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 23, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective July 25, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Aurora Knoll Lane	--stop--	for Larch Lane
Wood Rim Run	--stop--	for Larch Lane

REGULATORY RESOLUTION NO. 94/90/E

(Adopted July 25, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

SPEED LIMIT 40 (EMERGENCY)

DELETE:

SPEED LIMIT 30 (TEMPORARY) (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 23, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective July 25, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 40 (EMERGENCY)

St. Joe Road	from Parker Drive to Evard Road
St. Joe Road	from Stellhorn Road to the north property line of the State Hospital Training Center

DELETE:

SPEED LIMIT 30 (TEMPORARY) (EMERGENCY)

St. Joe Road	from Parker Drive to Evard Road
St. Joe Road	from Stellhorn Road to the north property line of the State Hospital Training Center

REGULATORY RESOLUTION NO. 95/90/E

(Adopted July 25, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 23, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective July 25, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

Kekionga Drive	from Engle Road to Vernon Avenue

REGULATORY RESOLUTION NO. 96/90/E

(Adopted July 25, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

SPEED LIMIT 35 MPH (EMERGENCY)

DELETE:

SPEED LIMIT 40 MPH (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 23, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective July 25, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 35 MPH (EMERGENCY)

State Boulevard	from Forest Valley Drive to the east City Limits

DELETE:

SPEED LIMIT 40 MPH (EMERGENCY)

State Boulevard	from Forest Valley Drive to the east City Limits

RETURN CERTIFICATE

Regulatory Resolution No. 97/90/E

I hereby Certify that I did this 7th day of August 1990 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. **SEE ABOVE** of the Board of Public Safety of the City of Fort Wayne,duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

Michael McDevitt

CHAIRMAN, Board of Safety

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

97/90/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Chairman, Board of Safety

REGULATORY RESOLUTION NO. 97/90/E

(Adopted August 1, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

IMPAIRED MOBILITY PARKING (COMMERCIAL) (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 31, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective August 1, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (COMMERCIAL) (EMERGENCY)

Coventry Court Townhomes 522 Pinegrove Lane	See attached map (421 Pinegrove Lane, Apt. "D")

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

98/90/E, 99/90/E and 100/90/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Chairman, Board of Safety

RETURN CERTIFICATE

Regulatory Resolution No. 98/90/E, 99/90/E and 100/90/E

I hereby Certify that I did this 9th day of August 1990 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. **SEE ABOVE** of the Board of Public Safety of the City of Fort Wayne,duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 98/90/E

(Adopted August 8, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated August 1, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective August 8, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

Maplewood Road	from Bluffton Road to Pinedale Drive

REGULATORY RESOLUTION NO. 99/90/E

(Adopted August 8, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

STOP INTERSECTION (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated August 1, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective August 8, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Hastings Road --stop-- for Farnsworth Drive

REGULATORY RESOLUTION NO. 100/90/E

(Adopted August 8, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated August 1, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective August 8, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

1743 Hillside Avenue	--west side--	from 95' south of Delaware Avenue to 20' south thereof